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TO

Amend the law relating to the collection of rates in Dublin. A.D. 1886.

WHEREAS it is expedient to amend an Act passed in the session of Parliament in the twelfth and thirteenth years of the reign of Her present Majesty, chapter ninety-one, intituled "An Act to provide for the collection of rates in the City of Dublin":

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Collection of Rates (Dublin) Act, 1886.

2. In this Act the term "Lord Lieutenant" or other chief governor or governors of Ireland for the time being. Interpretation of terms.

The term "the principal Act" means the Act of the session of Parliament held in the twelfth and thirteenth years of the reign of Her present Majesty, chapter ninety-one.

The term "the corporation" means the Right Honourable the Lord Mayor, aldermen, and burgesses of Dublin.

3. The powers of appointing to the office of collector-general of rates and all other powers in relation thereto, and of appointing and employing clerks, collectors, and other officers to assist in the execution of the principal Act, and of fixing the salaries, allowances, or poundage rates to be paid to such officers, and all other powers in relation to such clerks, collectors, and other officers, and the duty of deciding as to the amount and nature of the securities to be required of the collector-general and officers for the faithful performance of their duties, shall cease to be exercised by the Lord Lieutenant, and shall be transferred to, vested in, and exercised by the corporation. Transfer of powers vested in Lord Lieutenant to corporation.

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Powers of making rules, &c. transferred to corporation.

4. The powers of making rules and regulations for the government of the collector-general, and of the clerks, collectors, and other officers appointed or employed to assist in the execution of the principal Act, and of making rules and regulations as to the manner in which the accounts shall be kept, prepared, and exhibited for audit, shall cease to be exercised by the Lord Lieutenant by and with the advice of the Privy Council in Ireland, and shall be transferred to, vested in, and exercised by the corporation.

Repeal of sec. 25 of 12 & 13 Vict. c. 91.

5. Section twenty-five of the principal Act is hereby repealed. Suitable offices for the payment and collection of taxes, and all 10 books, stationery, and requisites shall be provided by the corporation.

Repeal of part of sec. 36 of 12 & 13 Vict. c. 91.

6. So much of section fifty-six of the principal Act as declares that accounts shall be made out at such times half-yearly as shall be fixed by the Lord Lieutenant is hereby repealed. The accounts 15 and lists or any of them shall be made out at such times and for such periods as shall from time to time be determined by the corporation.

Rates, &c. to be subject to repeal and alteration by corporation.

Officers and persons deprived of office to be compensated.

7. All rules, regulations, and orders hitherto made under and by virtue of the principal Act shall be subject to repeal or alteration 20 as may from time to time be declared necessary by the corporation.

8. Save and except the officer now temporarily discharging the duties of collector-general of rates, every officer or person whose office or employment shall be abolished, or cease, or become unnecessary by reason of this Act, or who shall be removed under the 25 provisions of this Act, or deprived of fees or emoluments to which he would have been entitled if this Act had not been passed, and who shall not be employed or retained in an office of equal value under this Act, shall be entitled to have an adequate compensation 30 by way of a sum of money or in gross or annuity at the option of the corporation for the salary, and for any fees or emoluments which he may enjoy or be entitled to receive on account of the office or employment which he shall cease to hold, regard being had to the manner of his appointment to the said office, his term of interest therein, length of service, and all other circumstances of 35 the case, and the proceedings by every such person, and incident to every such claim, shall be taken in the same manner as if it were a claim arising under section fifty-seven of the principal Act.

Powers to co. position to 1900 salaries.

9. The estimates to be made for the several rates pursuant to sections thirty-seven, thirty-eight, forty, and forty-one of the 40 principal Act, pursuant to sections fifty-four, fifty-five, and fifty-six

of the Dublin Corporation Waterworks Act, 1861, and all other estimates for any rate or rates which the corporation may lawfully from time to time be empowered to levy may, if the corporation so decide, be consolidated into a single estimate, and instead of the said several rates it shall be lawful to apportion, assess, and levy a single rate to be termed the municipal rate.

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estimates
and levy
municipal
rate

10. In cases in which the annual value of premises assessed does not exceed *eight pounds*, and the premises are in the judgment of the corporation suitable as dwellings for and are occupied by 10 artisans or labourers, it shall be lawful for the collector-general to compound with the owner of such premises for the payment of all or any of the rates leviable upon such reduced estimate of the net annual value not being less than two thirds nor more than four fifths of the net value at which the premises are assessed as the 15 corporation shall deem reasonable.

Power to
collector-
general to
compound
with owners
of premises
in payment
of rates

11. *From and after the passing of this Act*, when an appointment is made to the office of collector-general, and whenever thereafter a vacancy shall occur in the office of collector-general, and a successor to the said office shall have been appointed, all rights, demands, 20 powers, and authorities whether law or in equity which shall have been vested in or exercisable by the collector-general in respect of or in relation to the said office at the time of such vacancy shall thereupon vest in the person so appointed to succeed to the said office, who may in his own name commence and prosecute all actions, 25 suits, and proceedings in respect thereof, and in case any action, suit, indictment, information, or proceeding shall at the time of such vacancy be depending in any court of law or equity the same shall not abate, and the person so appointed to succeed to the said office may apply to the judge or one of the judges of the court in which 30 any such action, suit, or information or proceeding shall be depending, and by leave of such judge enter into a suggestion of such vacancy and appointment, and may on entering such suggestion continue such action, suit, information, or proceeding, in the same manner as if he had been collector-general when such action, 35 suit, information, or proceeding had been commenced by him or at his relation as such collector-general.

Powers and
rights of
collector-
general to
vest in
successor

In every action, suit, information, or proceeding commenced after the passing of this Act by or against any person filling the office of collector-general, it shall be stated and appear that such action, suit, information, or proceeding is commenced by or at the 40 relation of or against such person in his capacity and in relation to his office of collector-general.

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Recovery of rates by
districts.

12. In case any rate leviable by the collector-general in respect of any rateable property is not fully paid with two months after the same became due, the collector-general, or his collector or any person authorised by the collector-general, may levy and raise such rate, or the part thereof remaining unpaid, together with all costs 5 incurred by any neglect or refusal to pay the same, by such distress on all goods and chattels, to whomsoever the same may belong, which may be found on the premises in respect of which the rate is due (except any goods and chattels which, if such distress were for rent reserved on a lease of land for years, would be exempt from 10 such distress), and by such sale and disposition of the distresses taken thereon as are by law provided for the recovery of rent reserved on leases of land for years. Every such distress and sale shall be made in the manner and subject to the limits as to costs and to all the other provisions, so far as the same are applicable, 15 by law prescribed for the making of distresses and sales for the recovery of poor rates under the enactments in that behalf of the Act passed in the session of Parliament held in the first and second years of the reign of Her Majesty, chapter fifty-six, and the several Acts amending the same. The powers conferred upon the collector-general by this section shall be in addition to any other powers for recovering rates vested in him by any other Act. 20

Liability of
successive
occupiers.

13. Every rate which is primarily leviable upon the occupier of any rateable property shall be paid by the person in the actual occupation of the rateable property at the time when the rate became due, and on his default then by any person subsequently in the occupation of the rateable property from whom such rate is demanded.

Deductions
from rent.

14. In case the person occupying any rateable property and paying any rate or any part thereof, or any costs of distressing 30 for the same, is not the person primarily liable to pay the rate, or the immediate or any superior landlord of the person primarily liable, he may deduct and retain the whole of the rate and such costs so paid by him from any rent paid by him, and the person from whose rent such rate and costs are so deducted shall be 35 entitled to make from any rent paid by him such deduction as he would have been entitled to make in case the rate had been duly paid by the person primarily liable to pay the same.

Liability of
lessors.

15. Where under the provisions of the principal Act the immediate lessor of any property is rated instead of the occupier, 40 and is himself liable to pay a rent in respect thereof, and such immediate lessor makes default in the payment of any rate, the

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collector-general may proceed for the recovery of such rate, either against such immediate lessor, or in case it is impossible by the exercise of reasonable diligence to recover such rate from the immediate lessor, then against the person to whom such immediate lessor is liable to pay the rent of the property, and in case such person is himself liable to pay a rent in respect thereof, and it is impossible by the exercise of reasonable diligence to recover such rate from such person, the against any more remote lessor of the property entitled to receive any rent in respect thereof. All the provisions of the principal Act relative to the proceedings to be taken for enforcing the payment of rates shall apply to the proceedings which the collector-general is authorised to take under the provisions of this section. Where any lessor of property not primarily liable to the payment of the rate in respect of such property pays any money either directly as rate in consequence of the liability thereto imposed upon him by this section, or by way of repayment to his landlord of money paid by such landlord under the provisions of this section, he shall be entitled to be repaid such amount by the person who holds the rateable property as his tenant, as if the same were part of and in addition to the rent payable by such tenant.

Kates (Dublin),

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to amend the law relating to the collection of rates in Dublin.

(Prepared and brought in by
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